



10/620,839

05-25-06

IPW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants	Long Y. CHIANG, <i>et al</i>	Art Unit	1624
Application No.	10/620,839	Filed on	July 16, 2003
Examiner	Kahsay Habte, Ph.D.	Paper No.	
For	FULLERENE COMPOUNDS		

Mail Stop Amendment
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

This communication is written in response to Restriction Requirement mailed on May 11, 2006.

The Commissioner is hereby authorized to charge any fees or credit overpayments related to this application to Deposit Account No. **502980**, maintained by the SUN Law office PLLC.

Respectfully submitted,

Hsiang-ning Sun
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May 24, 2006



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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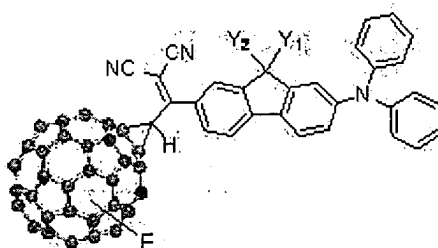
Applicants appreciate the Examiner's comments regarding their earlier election, but still respectfully traverse the Restriction Requirement as issued.

Applicants respectfully submit and reiterate that the Examiner has not pointed out which species are "independent and distinct" as required by 35 USC §121, 37 CFR §1.141, and MPEP Chapter 800. The Examiner merely gives a conclusion that there are patentably distinct species in Claim 1 without identifying those species or providing any reasoning as required by the rules. Accordingly, the Examiner has not carried the burden of providing support for the initial determination of issuing a Restriction Requirement. Therefore, the burden has not shifted, contrary to the statement in Paragraph 4 of the Restriction Requirement on Page 2, to submit or identify evidence in support of their position. Accordingly, Applicants respectfully traverse the Restriction Requirement as issued.

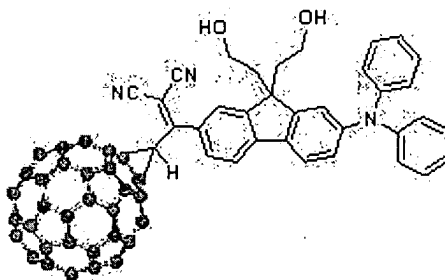
Applicants respectfully request that the Examiner reconsider and withdraw the Restriction Requirement or, in the alternative, provide sufficient information and support regarding (A) which species are independent and distinct; and (B) what reasoning is in support of such a determination.

With traverse and without waiving any rights, Applicants elect the following species from the formula in Claim 1 for prosecution as the Examiner requires in the Restriction Requirement:

F is fullerene core of C_{60} ; X_1 , X_2 , X_3 , X_4 , and X_5 are hydrogen [H];
 W is $=(CN)_2$; Y_1 and Y_2 are independently ethyl, hydroxyethyl,
 methoxyethyl, solfonylbutoxyethyl, hydroxycarbonylmethyl, or
 hydroxycarbonylethyl; n is 1-10; and r is zero:



One specific non-limiting example of the election is represented by the following compound as described in Example 11.



The Commissioner is hereby authorized to charge the time-extension (five months) fee and any other fees or credit overpayments related to this application to Deposit Account No. 50-2980, maintained by the SUN Law office PLLC.

Respectfully submitted,

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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as express mail in an envelope addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

May 24, 2006

Date

A handwritten signature in black ink, appearing to read "Hsiang-ning. Sun".

Hsiang-ning. Sun

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